

**MINUTES
COLUMBUS BOARD OF ZONING APPEALS
AUGUST 26, 2008
COUNCIL CHAMBERS, 2nd FLOOR, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Mary Ferdon, Chairperson; Dave Bonnell, Secretary;
Lou Marr, Tom Wetherald

Staff Present: Laura Thayer, Assistant Planning Director; Alan Whitted,
Deputy City Attorney; Heather Pope, Senior Planner,
Stephanie Carr and Bill Klakamp, Code Enforcement

PUBLIC MEETING

Mary Ferdon, Chairperson, opened the meeting with a brief explanation about the Board and its responsibilities.

The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, Deputy City Attorney, administered the oath to all in attendance that would be speaking.

OLD BUSINESS REQUIRING BOARD ACTION

C/DS-08-04: All-Phase Electric Supply

All-Phase Electric Supply is a request for a development standards variance from the requirement to provide a 100 % opaque fence and a Buffer Yard Type B as screening for outdoor storage, per Zoning Ordinance Section 6.1(C)(3)(1)(1). The property is located at 213 Vollmer Street in the City of Columbus.

Heather Pope began the meeting by reading the background and findings of fact into the record. She said that the petition had been continued from the previous meeting to give the petitioner an opportunity to provide a landscape plan. Ms. Pope said that the petitioner is requesting a variance to not install an opaque screen around their outdoor storage and that the ordinance requires storage area to be screened with a Type B buffer. She said that due to the unique constraints of the site they would like to install landscaping in their yard equal to the point value.

There was a visual presentation presented.

Joel Parthun stated his name and address into the record.

Mr. Parthun said that he would like the board to allow them to put 2 trees in the back instead of the front, because they are a retail business and that the trees may eventually grow into the power lines and block the building and he would rather that not happen since he was a retail business.

The public hearing was opened. No one spoke for or against the petition.

Lou Marr made a motion to approve **C/DS-08-04** with the following conditions: 1) 2 large trees and 16 shrubs shall be planted and evenly distributed across the 2nd Street frontage; and 2) 2 large trees shall be planted along the 3rd Street frontage. Ms. Marr found that the criteria had met and included the following findings in her motion: Criterion 1 has been met because the proposed landscaping will screen the supply area; Criterion 2 has been met because the proposal will improve the appearance of the neighborhood and enhance the property; and Criterion 3 has been met because the existing layout, in respect to neighbors and utilities, would create difficulties in using the property with the required buffer.

Dave Bonnell seconded the motion, which carried 4-0.

C/CU-08-04: Faith, Hope and Love Church

Faith, Hope and Love Church is a request for conditional use approval for a worship facility in the RS-2 (Single Family Residential) zoning district. The property is located at 1395 West County Road 200 South in Columbus Township.

Pastor Mike Harris stated his name and address into the record.

Ms. Thayer read the background along with the findings of fact, and a visual presentation was presented.

Mr. Harris stated that the church building was over 100 years old and he said that they needed to expand the church and they did not realize all the work that was involved in this process.

He said that he they would like to connect the building to the daycare that they have and put the 2 buildings together and have a good size church and daycare.

Mr. Harris said that he did not have an issue with putting sidewalks in, if all the other area churches were made to do the same thing.

Ms. Ferdon asked if he was going to request annexation on the property.

She also said that the property was in the 2 mile jurisdiction, and the other churches may not be in the 2 mile jurisdiction.

Mr. Harris said he did like the idea of annexation.

The meeting was opened to the public.

Adrian Jessie, 2605 Pearl Street, asked about the sidewalk and the landscaping plan.

The meeting was closed to the public.

There was a discussion of the 2 mile jurisdiction and the zoning requirements.

Ms. Marr made a motion to continue **C/CU-08-04** because of the problems presented.

Dave Bonnell seconded the motion, and it passed 4-0.

Mr. Harris asked if he had to come back if he met all the criteria.

Mr. Bonnell stated that he would need to come back and explain what he will be doing, and address the issues that the planning department has laid out.

Mr. Harris said there were some things that he is not going to do, and we will just have to deal with that.

NEW BUSINESS REQUIRING BOARD ACTION

C/DS-08-07: Cottage Lane Commons

Cottage Lane Commons is a request by Forsite Properties LLC for a development standards variance from Zoning Ordinance Section 7.1(Table 2) to allow 49 fewer than the required number of 149 parking spaces for a multi-family development; and a development standards variance from Zoning Ordinance Section 7.3 to allow a drive to be 140 feet from a public street intersection, 60 feet less than required along a collector street. The property is located on the west side of Cottage Avenue between 10th and 12th Streets in the City of Columbus.

Stan Palma for Forsite Properties stated his name and address into the record.

Ms. Pope read the background along with the findings of fact and a visual presentation was presented.

Ms. Pope said that The City Engineers office states "Columbus Municipal Code and the Thoroughfare Plan, require a 200 foot driveway separation distance on Collector Streets and 100 feet separation distance on Local Streets, and the 200 foot criteria should be maintained." She said access to the proposed development should be from the local street, and not the collector street. She said that both Cottage Avenue and 12th Street are adequate and suitable for this purpose.

Ms. Ferdon had some concerns with the amount of vehicle spaces that were required.

Mr. Palma stated that their Greenwood facility had been fully occupied for 3 years now and at no time has 105 parking space parking lot been full.

He said they do have a design that if they ever required more parking, we can add it.

He said about half of the residents do not own cars. Mr. Palma stated that the typical residents are the age of 70 plus, and they have a limit to the rent that they can charge.

Mr. Palma stated that he did a traffic count from 4:30 to 6:00.

He tried to get a feeling of what the traffic was like, and he stated that 10th street was far more busy than Cottage and he said he thinks its exactly opposite of what the findings had stated. He said that if you agreed with his arguments that criteria number one is not correct, then criteria number 2 is based on criteria number 1.

Mr. Palma said that criteria number 3 was a non issue either way.

There was a brief discussion among staff about the traffic on Cottage and 10th Streets.

The meeting was open to the public there was no one to speak, so the meeting was closed.

Lou Marr made a motion to approve **C/DS-08-07** in regards to the parking space requirement to reduce the minimum parking to 104 including handicap, and accept the staff's findings of fact.

Lou Marr seconded the motion and it carried 4-0.

Lou Marr made a motion to deny **C/DS-08-07** to reduce the minimum driveway separation distance to 140 feet, and accept the staff's findings of fact.

Tom Wetherald seconded the motion, and it passed 3-1, with Dave Bonnell voting no.

C/DS-08-10: Edwin and Dorothy Riley

Edwin and Dorothy Riley are requesting a development standards variance from Zoning Ordinance Section 3.5(D) (2) to allow 1 lot to be subdivided from a 9.69 acre parcel, leaving a remainder of less than 10 acres. The property is located at 8907 West County Road 300 South in Ohio Township.

Ms. Ferdon read a letter to withdraw the petition into the record.

Lou Marr made a motion to accept the withdrawal of **C/DS-08-10**. The motion was seconded by Dave Bonnell and passed 4-0.

C/DS-08-11: Cummins Engine Company

Cummins Engine Company is a request for a development standards variance from Zoning Ordinance Section 8.1 (D) (3) (a) to reduce the required landscape buffer from 15 feet to 5 feet. The property is located at 602, 630, and 634 Union Street in the City of Columbus.

Lou Marr excused herself from the meeting.

Dennis Baute and Rob Taggart stated their names and address into the record.

Ms. Thayer read the background and findings of fact, and a visual presentation was made.

She stated that the applicant has applied for rezoning from RE to CO. Ms. Thayer said that the property could not be rezoned until October 7, 2008 at the earliest. She said that the variance is not needed in the RE district, and that the Board should not grant a variance from a hypothetical situation that does not yet exist. She recommended that the petition be continued.

Tom Wetherald made a motion to continue **C/DS-08-11**. The motion was seconded by Dave Bonnell, and was approved by a vote of 4-0.

C/DS-08-12: First Financial Bank

The First Financial Bank is a development standards variance from Zoning Ordinance Section 7.2 (Part 4) (B) (3) (c) to allow parking in a front yard in the CD (Downtown Commercial) zoning district. The property is located on the southwest corner of Third and Brown Streets in the City of Columbus.

FINDINGS OF FACT

The following findings of fact were presented to the Board for consideration:

C/CU-08-05: First Financial Bank

Dave Bonnell made a motion to accept the findings of fact, and it was seconded by Tom Wetherald. The motion carried with a vote of 4-0.

C/DS-08-06: Joseph E. Fitzgerald

Dave Bonnell made a motion to accept the findings of fact, which was seconded by Tom Wetherald. The motion carried by a vote of 4-0.

APPROVAL OF MINUTES

Upon the motion made by Lou Marr and seconded by Jeff Sharp the minutes of the July 29, 2008 meeting were approved by a vote of 4-0.

DISUSSION

There was some discussion of a training opportunity that would be coming up for any of the board members that would be interested.

There being no further business the meeting was adjourned.

Mary Ferdon, Chair

Dave Bonnell, Secretary